

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Civil Case No.: 5:22-cv-00240-BO-RJ

TAYLOR PHILO and SAID ISLAS, Each
individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

DEGLER ENTERPRISE, LLC; HILLARY
DEGLER; and CHRISTOPHER DEGLER,

Defendants.

**JOINT MOTION REQUESTING TO
PARTICIPATE IN A COURT-HOSTED
SETTLEMENT CONFERENCE AND
REQUESTING A STAY OF LITIGATION
TO PERMIT THE PARTIES TO
PARTICIPATE IN A COURT-HOSTED
SETTLEMENT CONFERENCE**

NOW COME the Parties, jointly, by and through their counsel, and pursuant to Rule 16 of the Federal Rules of Civil Procedure and Local Rule 101.2(a), do hereby respectfully move this Court to authorize the convening of a Court-hosted settlement conference by a Magistrate Judge for the Eastern District of North Carolina before the end of May 2023. As the Parties jointly move this Court for the convening of a Court-hosted settlement conference, the Parties also jointly move this Court for an order temporarily staying this proceeding until May 31, 2023, to permit them to participate in a Court-Hosted Settlement conference without unnecessarily expending resources on concurrent litigation. In support of this Motion, the Parties state as follows:

1. On June 15, 2022, Plaintiffs filed a complaint in this putative collective action, asserting claims under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* [DE #1].
2. On October 7, 2022, Plaintiffs filed their Unopposed Motion for Conditional Certification, For Approval and Distribution of Notice and For Disclosure of Contact Information

(“Plaintiffs’ Unopposed Motion for Conditional Certification”) [DE #17] and Brief in Support of said Motion [DE #18].

3. On December 22, 2022, the Court entered an Order granting Defendants’ Consent Motion for an Extension of Time to Move, Serve an Answer, or Otherwise Plead to Plaintiffs’ Complaint and setting Defendants’ deadline to answer or otherwise plead to Plaintiff’s Complaint for April 20, 2023. [DE #23].

4. On December 29, 2022, the Court entered an Order granting the Plaintiffs’ Unopposed Motion for Conditional Certification, which made March 6, 2023 the deadline for collective members to submit Consents to Join this lawsuit as opt-in plaintiffs. [DE #24].

5. Defendants timely provided Plaintiff’s counsel with contact information for putative collective action members, and Court-approved Notice was sent to potential class members.

6. Fifteen¹ individuals filed Consents to Join this lawsuit [DE ## 25, 26, 27, 30, 31, 32, 36, and 37] and the opt-in period has now closed.

7. Recognizing the costs associated with entering into discovery with 15 (fifteen) individuals and multiple defendants, the Parties have jointly agreed that, prior to incurring the time and expense of additional motions practice or engaging in discovery, it is in their mutual best interests to explore whether there is any possibility of resolving Plaintiffs’ claims in this matter at this time through mediation.

8. The Parties have agreed on a framework that will begin with informal, limited discovery to be shared during the first fifteen (15) days of the requested stay and culminate in a court-hosted settlement conference prior to May 31, 2023.

¹ Defendants’ counsel has also agreed to the late-filing of Vincent Thomas’ Consent to Join Lawsuit.

9. This Joint Motion is supported by “good cause,” is being filed in good faith, and not for purposes of delay, and it is being submitted before the expiration of the current deadline for Defendants to respond.

10. In light of the Parties agreement to pursue a Court-hosted settlement conference, and given their desire to avoid the waste of their and the Court’s resources litigating this action during the pendency of that Court-Hosted Settlement Conference, which could result in the resolution of this matter, they jointly request that the Court grant the following relief:

a. Order the Parties to participate in a Court-hosted settlement conference to take place before a Magistrate Judge, assigned at the Court’s discretion, on or before May 30, 2023;

b. Order that this action is stayed until May 31, 2023, which includes a stay of any deadline and/or the beginning of formal discovery;

c. Order that within fourteen (14) days of the date that the stay is lifted, the Parties shall either submit a notice informing the Court that the matter has been resolved or, if the matter is not resolved through the Court-hosted settlement conference, that Defendants respond to Plaintiffs’ Complaint and the Parties submit a proposed 26(f) Report and resume litigation.

11. A proposed order is attached hereto.

Respectfully submitted this the 19th day of April, 2023.

COUNSEL FOR DEFENDANTS

/s/ Kevin S. Joyner
Paul S. Holscher
N.C. State Bar No. 33991
Kevin S. Joyner
N.C. State Bar No. 25605
Vanessa N. Garrido
N.C. State Bar No. 53470

COUNSEL FOR PLAINTIFFS

/s/ Sean Short
Sean Short
Arkansas Bar No. 2015079
Sanford Law Firm, PLLC
10800 Financial Centre Pkwy, Suite 510
Little Rock, Arkansas 72211
Phone: 888-615-4946

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**
8529 Six Forks Road, Forum IV, Suite 600
Raleigh, NC 27615
Phone: 919-787-9700
Facsimile: 919-783-9412
Email: Paul.Holscher@ogletree.com
Email: Kevin.Joyner@ogletree.com
Email: Vanessa.Garrido@ogletree.com

Facsimile: 888-787-2040
Email: josh@sanfordlawfirm.com
Counsel by Special Appearance

Kristin G. Oakley
Ricci Law Firm, PA
P.O. Box 483
Greenville, NC 27834
Phone: 252-752-7785
Facsimile: 252-752-1016
Email: kgoakley@riccilawnc.com
*Local Civil Rule 83.1(d) Counsel for
Plaintiffs*